

18304 U.S. PTO
042204

Docket No.: 1201.70367

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification of this application:

Class: Subclass:

Prior application:

Examiner: Medina Sanabria, Maribel

Art Unit: 1754

REQUEST FOR FILING CONTINUING OR DIVISIONAL APPLICATION

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a

☒ Continuation application,

☐ Divisional application,

under 37 CFR 1.53(b), of pending prior application Serial No. **^09/990,250** filed on **November 21, 2001** for **FAMILY OF DISCRETELY SIZED SILICON NANOPARTICLES AND METHOD FOR PRODUCING THE SAME**

CERTIFICATION UNDER 37 CFR 1.10

I certify that, on the date shown below, these documents are being deposited with the United States Postal Service in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, as "Express Mail Post Office to Addressee," Mailing Label No. **EV 032703601US**.

Date April 22, 2004

Signature *Dail*

22390 U.S. PTO
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1. (X) Enclosed is a copy of the prior application, including the oath or declaration as originally filed. The attached application papers are a true copy of prior application Serial No.: **09/990,250** as originally filed on **November 21, 2001**, and no amendments referred to in the oath or declaration as originally filed introduced new matter. This statement is made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The copy of the papers of the prior application as filed are as follows:

- (X) 15 pages of specification including claims and abstract
 (X) 1 sheet(s) of drawing
 (X) 3 pages of declaration and power of attorney
2. () Enclosed is a replacement specification reflecting previously submitted amendments and/or additional formal amendments. No new matter is added by the changes. A copy of the oath or declaration as originally filed is also included.

The new application includes:

- () _____ pages of specification including claims and abstract
 () _____ sheet(s) of drawing
 () _____ pages of declaration and power of attorney
3. (X) Applicant qualifies as a small entity.
4. (X) Cancel in this application original claims **1-12** before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).

5. (X) The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

For	No. Filed	No. Extra	Rate	Fee
Basic Fee.....				\$770.00
Total Claims...	1 - 20 =	0	x \$18.00 =	\$ -0-
Independent Claims....	1 - 3 =	0	x \$86.00 =	\$ -0-
		Total Filing Fee		\$770.00
Statement of Status as Small Entity Reducing Filing Fee By Half To				\$385.00

6. (X) A check in the amount \$ 385.00 is enclosed.
7. (X) The Commissioner is hereby authorized to charge any additional fees which may be required for this application under 37 C.F.R. § 1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069. A duplicate copy of this sheet is enclosed.
8. () A petition and fee for an extension of time has been filed in the pending prior application. A copy of the petition is attached.
9. (X) Amend the specification by replacing the paragraph beginning on page 1, line 4, with the following rewritten paragraph:

This is a continuation of application Serial No. 09/990,250 , filed November 21, 2001, which is a continuation-in-part of, and claims priority under 35 U.S.C. §120 from, pending Nayfeh et al. United States Patent Application 09/426,389, entitled SILICON NANOPARTICLE AND METHOD FOR PRODUCING THE SAME, filed October 22, 1999, now U.S. Patent No. 6,585,947.

10. () Priority of application Serial No(s). ^^^^filed on ^^^^in ^^^^is claimed under 35 U.S.C. § 119.
() The certified copy(ies) has (have) been filed in prior application Serial No. ^^^^, filed ^^^^.
11. (X) The prior application is assigned of record to: **The Board of Trustees of the University of Illinois** . The assignments were recorded on **February 12, 2002** on Reel **012585**, Frames **0279 and 0332**.
12. (X) The inventors of the invention of the parent application, serial number **09/990,250** are **Munir H. Nayfeh, Gennadiy Belomoin, Satish Rao, Joel Therrien and Sahraoui Chaieb**.
13. () An information disclosure statement is submitted herewith.
14. (X) A preliminary amendment is enclosed herewith.
15. () Please delete the name(s) of ^^^^ who is (are) not a (an) inventor(s) of the subject matter of the () continuing () divisional application.
16. (X) The power of attorney in the prior application is to:
Steven P. Fallon, Reg No. 35,132
GREER, BURNS & CRAIN, LTD.
300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
- () The power appears in the original papers in the prior application.
- (X) Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- (X) Address all future communications to:
Steven P. Fallon
GREER, BURNS & CRAIN, LTD.
300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606

Date: April 22, 2004

Greer, Burns & Crain, Ltd.
300 South Wacker Drive, Suite 2500
Chicago, Illinois 60606
312.360.0080



Steven P. Fallon
Registration No. 35,132
Attorney of record

Continuation/Divisional Docket No.: 1201.70367

Parent Docket No.: 1201.65680

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nayfeh et al.

Application No.: 09/990,250

Art Unit: 1754

Filed: 11/21/2001

Examiner: Medina Sanabria, Maribel

For: FAMILY OF DISCRETELY SIZED SILICON NANOPARTICLES AND METHOD FOR PRODUCING THE SAME

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTIFICATION OF FILING OF CONTINUING
OR DIVISIONAL APPLICATION

Notification is hereby being made of the filing of a:

☒ continuation

☐ continuation-in-part

☐ divisional

application for this case

☒ concurrently herewith.

☐ on _____
Date

Reg No. 35,132

Tel. No.: 312.360.0080



SIGNATURE OF ATTORNEY

Steven P. Fallon

(type or print name of attorney)

Greer, Burns & Crain, Ltd.

300 S. Wacker Dr. Suite 2500

(address)

Chicago, IL 60606

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

☒ deposited with the United States Postal Service in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. 1.8a


37 C.F.R. 1.10

☐ with sufficient postage as "first class" mail. ☒ as "Express Mail" Mailing Label No. EV 032703601 US

April 22, 2004

Date

Signature



Daniel Canan

(type or print name of person certifying)